

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MISSOURI PRIMATE FOUNDATION,
CONNIE BRAUN CASEY, individually,
ANDREW SAWYER, individually, and
JANE DOES 1 and 2,**

**Plaintiffs and Counterclaim
Defendants,**

v.

**PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, INC. and
ANGELA SCOTT a/k/a ANGELA G.
CAGNASSO, individually,**

**Defendants and
Counterclaim Plaintiffs.**

Case No. 4:16-cv-02163

OFFER OF JUDGMENT BY PLAINTIFF/COUNTERCLAIM DEFENDANT

CONNIE BRAUN CASEY

COMES NOW Plaintiff/Counterclaim Defendant Connie Braun Casey (“Ms. Casey”), by and through the undersigned counsel, and states that, while she vehemently denies People for the Ethical Treatment of Animals, Inc.’s and Angela Scott a/k/a Angela G. Cagnasso’s (collectively “Counterclaim Plaintiffs”) personally hurtful allegations against her, and while she deeply loves her chimpanzees that are at issue in this case for which she has provided great care and attention over many years (including building expansive enclosures and providing them with a wide variety of enrichment and a healthy diet), she has reluctantly concluded that it is in the best interest of her chimpanzees that this case be resolved and that her chimpanzees be taken and placed in an appropriate sanctuary as sought by Counterclaim Plaintiffs in a peaceful manner that is no more disruptive or traumatic for the chimpanzees than necessary. Ms. Casey therefore hereby offers to

allow entry of judgment to be taken against her and in favor of Counterclaim Plaintiffs pursuant to Rule 68 of the Federal Rules of Civil Procedure as follows:

1. Count 1:

- a. Entering a declaratory judgment that there is sufficient evidence by which this Court may find that Counterclaim Defendant's treatment of endangered chimpanzees violated the ESA's prohibition on the "take" of an endangered species set forth in 16 U.S.C. § 1538(a)(1)(B) and corresponding regulations;
- b. Enjoining Counterclaim Defendant pursuant to 16 U.S.C. § 1540(g)(1)(A) from violating the ESA and its implementing regulations with respect to endangered chimpanzees;
- c. Enjoining Counterclaim Defendant from owning or possessing any endangered chimpanzees in the future; and
- d. Appointing a special master or guardian ad litem to determine the most appropriate placement for the forfeited chimpanzees, consistent with their best interests, at wildlife sanctuaries that are accredited by the Global Federation of Animal Sanctuaries and that will provide animals with appropriately sized naturalistic habitats, adequate socialization, and expert care.

2. Count 2:

- a. Entering a declaratory judgment that there is sufficient evidence by which this Court may find that Counterclaim Defendant violated 16 U.S.C. § 1538(a)(1)(D) and corresponding regulations by possessing endangered chimpanzees who have been unlawfully taken by Counterclaim Defendant;

- b. Enjoining Counterclaim Defendant pursuant to 16 U.S.C. § 1540(g)(1)(A) from violating the ESA and its implementing regulations with respect to endangered chimpanzees;
- c. Enjoining Counterclaim Defendant from owning or possessing any endangered chimpanzees in the future;
- d. Appointing a special master or guardian ad litem to determine the most appropriate placement for the forfeited chimpanzees, consistent with their best interests, at wildlife sanctuaries that are accredited by the Global Federation of Animal Sanctuaries and that will provide animals with appropriately sized naturalistic habitats, adequate socialization, and expert care.

If Counterclaim Plaintiffs do not accept this offer, they may become obligated to pay Counterclaim Defendant's costs incurred after the making of this offer in the event that they do not recover a judgment that is more favorable than this offer of judgment pursuant to Rule 68(d) of the Federal Rules of Civil Procedure.

To accept this offer, Counterclaim Plaintiffs must serve written notice of acceptance thereof within fourteen (14) days of the date this offer is made.

This offer is not to be construed in any way as an admission of liability by the Counterclaim Defendant, but rather is made solely for the purpose of compromising a disputed claim.

Dated this 15th day of June, 2018.

Respectfully Submitted,

KLAR, IZSAK & STENGER, L.L.C.

By: /s/ Daniel T. Batten
BRIAN D. KLAR, #36430
DANIEL T. BATTEN, #58810
Attorneys for Co-Defendant
1505 S. Big Bend Blvd.
St. Louis, Missouri 63117
Phone: 314-863-1117
Fax: 314-863-1118
Email: bklar@lawsaintlouis.com
dbatten@lawsaintlouis.com

CERTIFICATE OF SERVICE

I hereby certify that on **June 15, 2018**, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, by which notification of such filing was electronically sent and served via first class mail, postage prepaid, to the following:

POLSINELLI PC
KELLY J. MUENSTERMAN (#66968)
JAMES P. MARTIN (#50170)
100 S. Fourth Street, Suite 1000
St. Louis, MO 63102
314.889.8000
Fax No: 314.231.1776
kmuensterman@polsinelli.com
jmartin@polsinelli.com

PETA FOUNDATION
JARED S. GOODMAN
(Admitted *Pro Hac Vice*)
2154 W. Sunset Blvd.
Los Angeles, CA 90032
323.210.2266
Fax No: 213.484.1648
*Attorneys for Defendant/Counterclaim
Plaintiff*

Patrick J. Hanley, Esq.
214 E. Fourth Street
Covington, KY 41011
*Attorney for Plaintiff/Counterclaim
Defendant Vito Stramaglia*

Missouri Primate Foundation
12338 State Road CC
Festus, MO 63028

Geordie Duckler
9397 SW Locust Street
Tigard, OR 97223
geordied@animallawpractice.com
*Attorneys for Plaintiff/Counterclaim
Defendant Andrew Sawyer*

/s/ Daniel T. Batten